

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 8, 24 and 25 are pending in the application, with claims 1 and 24 being the independent claims. Claims 7, 18, 20 and 21 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. New claims 24 and 25 are sought to be added. Support for new claim 24 may be found, *inter alia*, in Example 2 and at page 4, lines 21-25 of the specification. Support for new claim 25 may be found, *inter alia*, at page 10, lines 4-10 of the specification. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Claims:

The Examiner objected to claim 18 for inconsistency because claims 1 and 18 recite different names for the same enzyme. Applicants have cancelled claim 18 and have added new claim 24. Applicants respectfully traverse the objection as it may be applied to the pending claim.

Applicants' new claim 24 recites "phosphoglucose isomerase." Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the objection.

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The Examiner further objected to claims 7 and 20 under 37 CFR 1.75(c) as being of improper dependent form for failing to limit the subject matter of the claims from which they depend. Solely to advance prosecution and not in acquiescence of the Examiner's objection, Applicants have cancelled claims 7 and 20. Accordingly, this rejection is now moot.

Rejections under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 8 and 21 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for the reasons of record found in item 5, part (a) of Paper No. 19, which reads, in pertinent part:

[c]laims 8 and 21 are incomplete as carrying out steps (a) and (b) do not necessarily result in disruption of a pgi gene. One of skill in the art would recognize that by inserting an internal region of a gene by homologous recombination would recreate the original gene. It is noted that the specification discloses at lines 4 and 5 of page 30 that the vector into which the internal fragment was cloned is a suicide vector. It is suggested that applicants clarify the meaning of the claims.

See Paper No. 19 at page 3. The Examiner noted that claims 8 and 21 have not been amended to recite "suicide vector" as asserted by Applicants. Applicants have amended claim 8, cancelled claim 21, and added new claim 25. Applicants respectfully traverse the rejection as it may be applied to the pending claims.

Solely to advance prosecution and not in acquiescence of the Examiner's rejection, Applicants amended claim 8 and new claim 25 recite "suicide" prior to "vector" as the Examiner recommends. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection.

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The Examiner has rejected claims 20 and 21 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for allegedly lacking proper antecedent basis for recitation of "said disrupted pgi gene" and "said altered *Corynebacterium glutamicum* cell having a disrupted pgi gene," respectively. Applicants have cancelled claim 20 and 21 and added new claims 24 and 25. Applicants respectfully traverse the rejection as it may be applied to the pending claims.

Applicants have added new independent claim 24 and dependent claim 25. The recitation of "said altered *Corynebacterium glutamicum* cell having a disrupted pgi gene" in new claim 25 finds proper antecedent support in new claim 24. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection.

In view of the above, it is respectfully requested that the rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

Rejections under 35 U.S.C. § 112, first paragraph

The Examiner has rejected claim 18 under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the invention. The Examiner has alleged that the specification only discloses a single species of altered *Corynebacterium glutamicum* cells that have a decreased amount of 6-phosphoglucose isomerase enzyme activity, namely *Corynebacterium glutamicum* cells that have a disruption of the pgi gene by homologous recombination, and that the single species is insufficient to put one of skill in the art in possession of the attributes and features of all species within the

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claimed genus. Applicants have cancelled claim 18 and have added new claim 24. Applicants respectfully traverse the Examiner's rejection as it may be applied to the pending claim.

Solely to advance prosecution and not in acquiescence of the Examiner's rejection, Applicants have canceled claim 18 and added new claim 24. New claim 24 is directed to a method of producing L-amino acids from an altered *Corynebacterium glutamicum* cell having a decreased amount of phosphoglucose isomerase enzymatic activity wherein said *Corynebacterium glutamicum* cell has a disrupted *pgi* gene. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection.

The Examiner has rejected claim 18 under 35 U.S.C. § 112, first paragraph, as allegedly non-enabled. The Examiner has alleged that while the specification is enabling for a method of producing L-lysine, L-threonine, or L-isoleucine by culturing an altered *Corynebacterium glutamicum* cell having a decreased amount of 6-phosphoglucose isomerase enzyme activity due to a disrupted *pgi* gene, the specification does not provide enablement for a method of producing L-lysine, L-threonine, or L-isoleucine by any method. Applicants have cancelled claim 18 and have added new claim 24. Applicants respectfully traverse the Examiner's rejection as it may be applied to the pending claim.

Solely to advance prosecution and not in acquiescence of the Examiner's rejection, Applicants have canceled claim 18 and added new claim 24. As described above, claim 24 is directed to a method of producing L-amino acids from an altered *Corynebacterium glutamicum* cell having a decreased amount of phosphoglucose isomerase enzymatic activity wherein said *Corynebacterium glutamicum* cell has a

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disrupted *pgi* gene. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection.

In view of the above, it is respectfully requested that the rejections under 35 U.S.C. § 112, first paragraph, be withdrawn.

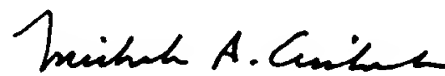
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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